PUBLIC LAW 101-649-NOV. 29, 1990

IMMIGRATION ACT OF 1990

ause (i)(I) shall not apply to an all one crime if—

age, and the crime was commitreleased from any confinemen ectional institution imposed for han 5 years before the date of iss or other documentation and tion for admission to the Uniter

m penalty possible for the crim was convicted (or which the committed or of which the act dmits having committed contial elements) did not exceed one year and, if the alien was crime, the alien was not send imprisonment in excess of of the extent to which the send vexecuted).

convictions.—Any alien cons (other than purely political ther the conviction was in offenses arose from a single regardless of whether the offense for which the aggregate mally imposed were 5 years of the conviction of the convi

gration officer knows or has been an illicit trafficker in any is or has been a knowing or colluder with others in the ach controlled substance, is

MERCIALIZED VICE.—Any alien

nited States solely, principally the in prostitution, or has enithin 10 years of the date of atry, or adjustment of status atly procures or attempts to are of the date of application stment of status) procured or to import, prostitutes or perprostitution, or receives or tood) received, in whole or in itution, or

nited States to engage in any falized vice, whether or not

OLVED IN SERIOUS CRIMINAL D IMMUNITY FROM PROSECU-

"(i) who has committed in the United States at any time a serious criminal offense (as defined in section 101(h)),

"(ii) for whom immunity from criminal jurisdiction

was exercised with respect to that offense,

"(iii) who as a consequence of the offense and exercise of immunity has departed from the United States,
and

"(iv) who has not subsequently submitted fully to the jurisdiction of the court in the United States having jurisdiction with respect to that offense,

is excludable.

"(F) WAIVER AUTHORIZED.—For provision authorizing waiver of certain subparagraphs of this paragraph, see subsection (b)

"(3) SECURITY AND RELATED GROUNDS.-

"(A) IN GENERAL.—Any alien who a consular officer or the Attorney General knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally in—

"(i) any activity to violate any law of the United States relating to espionage or sabotage or to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information, "(ii) any other unlawful activity, or

"(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means.

is excludable.

"(B) TERRORIST ACTIVITIES.—

"(i) In GENERAL.—Any alien who—
"(I) has engaged in a terrorist activity, or

"(II) a consular officer or the Attorney General knows, or has reasonable ground to believe, is likely to engage after entry in any terrorist activity (as defined in clause (iii)),

is excludable. An alien who is an officer, official, representative, or spokesman of the Palestine Liberation Organization is considered, for purposes of this Act, to

be engaged in a terrorist activity.

"(ii) Terrorist activity defined.—As used in this Act, the term 'terrorist activity' means any activity which is unlawful under the laws of the place where it is committed (or which, if committed in the United States, would be unlawful under the laws of the United States or any State) and which involves any of the

following:

"(I) The highjacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle).

"(II) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.





Organization.

"(III) A violent attack upon an internationally protected person (as defined in section 1116(b)(4) of title 18, United States Code) or upon the liberty of such a person.

such a person.

"(IV) An assassination.

"(V) The use of any.

"(V) The use of any—
"(a) biological agent, chemical agent, or nuclear weapon or device, or

"(b) explosive or firearm (other than for mere personal monetary gain),

with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.

"(VI) A threat, attempt, or conspiracy to do any of the foregoing.

"(iii) Engage in terrorist activity befined.—As used in this Act, the term 'engage in terrorist activity' means to commit, in an individual capacity or as a member of an organization, an act of terrorist activity or an act which the actor knows, or reasonably should know, affords material support to any individual organization, or government in conducting a terrorist activity at any time, including any of the following acts:

"(I) The preparation or planning of a terrorist activity.

"(II) The gathering of information on potential targets for terrorist activity.

"(III) The providing of any type of material support, including a safe house, transportation, communications, funds, false identification, weapons, explosives, or training, to any individual the actor knows or has reason to believe has committed or plans to commit an act of terrorist activity.

"(IV) The soliciting of funds or other things of value for terrorist activity or for any terrorist organization.

"(V) The solicitation of any individual for membership in a terrorist organization, terrorist government, or to engage in a terrorist activity. "(C) FOREIGN POLICY.—

"(i) IN GENERAL.—An alien whose entry or proposed activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is excludable.

"(ii) EXCEPTION FOR OFFICIALS.—An alien who is an official of a foreign government or a purported government, or who is a candidate for election to a foreign government office during the period immediately preceding the election for that office, shall not be excludable or subject to restrictions or conditions on entry into the United States under clause (i) solely because of the alien's past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States

"(iii) Exception for other aliens.—An alien, not described in clause (ii), shall not be excludable or subject to restrictions or conditions on entry into the United States under clause (i) because of the alien's past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States, unless the Secretary of State personally determines that the alien's admission would compromise a compelling United States foreign policy interest.

"(iv) Notification of determinations.—If a determination is made under clause (iii) with respect to an alien, the Secretary of State must notify on a timely basis the chairmen of the Committees on the Judiciary and Foreign Affairs of the House of Representatives and of the Committees on the Judiciary and Foreign Relations of the Senate of the identities of the alien and

the reasons for the determination.

"(D) IMMIGRANT MEMBERSHIP IN TOTALITARIAN PARTY.—
"(i) IN GENERAL.—Any immigrant who is or has been a member of or affiliated with the Communist or any other totalitarian party (or subdivision or affiliate

thereof), domestic or foreign, is excludable.

"(ii) EXCEPTION FOR INVOLUNTARY MEMBERSHIP.—Clause (i) shall not apply to an alien because of membership or affiliation if the alien establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General when applying for admission) that the membership or affiliation is or was involuntary, or is or was solely when under 16 years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and whether necessary for such purposes.

"(iii) Exception for past membership.—Clause (i) shall not apply to an alien because of membership or affiliation if the alien establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General when applying for

admission) that-

"(I) the membership or affiliation terminated at

"(a) 2 years before the date of such applica-

tion, or

"(b) 5 years before the date of such application, in the case of an alien whose membership or affiliation was with the party controlling the government of a foreign state that is a totalitarian dictatorship as of such date, and "(II) the alien is not a threat to the security of

the United States.

"(iv) EXCEPTION FOR CLOSE FAMILY MEMBERS.—The Attorney General may, in the Attorney General's discretion, waive the application of clause (i) in the case of an immigrant who is the parent, spouse, son, daughter, brother, or sister of a citizen of the United States or a spouse, son, or daughter of an alien lawfully admitted

Germany.

for permanent residence for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest if the alien is not a threat to the security of the United States.

"(E) Participants in Nazi persecutions or Genocide.—
"(i) Participation in Nazi persecutions.—Any alien
who, during the period beginning on March 23, 1933,
and ending on May 8, 1945, under the direction of, or in
association with—

"(I) the Nazi government of Germany,

"(II) any government in any area occupied by the military forces of the Nazi government of Germany.

"(III) any government established with the assistance or cooperation of the Nazi government of Germany, or

"(IV) any government which was an ally of the Nazi government of Germany,

ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion is excludable.

"(ii) PARTICIPATION IN GENOCIDE.—Any alien who has engaged in conduct that is defined as genocide for purposes of the International Convention on the Prevention and Punishment of Genocide is excludable.

"(4) Public charge.—Any alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge is excludable.

"(5) Labor certification and qualifications for certain

IMMIGRANTS.—

"(A) LABOR CERTIFICATION.-

"(i) In general.—Any alien who seeks to enter the United States for the purpose of performing skilled or unskilled labor is excludable, unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that—

"(I) there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of an alien described in clause (ii)) and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled or unskilled labor, and

"(II) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed. 
"(ii) Certain aliens subject to special rule.—For purposes of clause (i)(I), an alien described in this

clause is an alien who—

"(I) is a member of the teaching profession, or "(II) has exceptional ability in the sciences or the

"(B) Unqualified physicians.—An alien who is a graduate of a medical school not accredited by a body or bodies approved for the purpose by the Secretary of Education